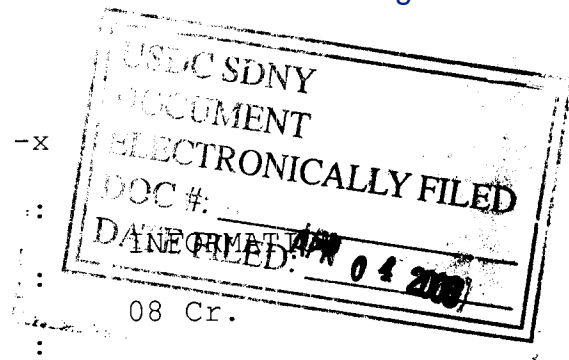


JUDGE BAER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

v.

FRANCISCO J. ROJAS,
a/k/a "BMW,"

Defendant.

08 CRIM

301

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2002, up to and including in or about 2005, in the Southern District of New York and elsewhere, FRANCISCO J. ROJAS, a/k/a, "BMW," the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FRANCISCO J. ROJAS, a/k/a, "BMW," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

COUNT TWO

The United States Attorney further charges:

3. From at least in or about February 2006, up to and including on or about December 27, 2007, in the Southern District of New York and elsewhere, FRANCISCO J. ROJAS, a/k/a, "BMW," the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that FRANCISCO J. ROJAS, a/k/a, "BMW," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

COUNT THREE

The United States Attorney further charges:

5. On or about December 27, 2007, in the Southern District of New York, FRANCISCO J. ROJAS, a/k/a, "BMW," the defendant, unlawfully, willfully, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B), and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Information, FRANCISCO J. ROJAS, a/k/a, "BMW," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One through Three of this Information.

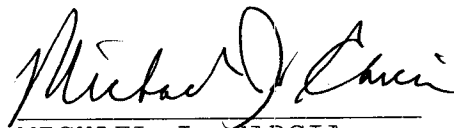
Substitute Asset Provision

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value;
or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

A handwritten signature in black ink, appearing to read "Michael J. Garcia". The signature is fluid and cursive, with a horizontal line drawn underneath it.

MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANCISCO J. ROJAS,
a/k/a "BMW,"

Defendant.

INFORMATION

08 Cr. ____

(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(B), and 846 and 18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.
